

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LUCAS CALIXTO, et al.

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
THE ARMY, et al.,

Defendants.

Civil Action No.18-1551 (ESH)

DEFENDANTS' STATUS REPORT

In accordance with the Court's Order entered on July 31, 2019 (ECF No. 123), Defendants respectfully submit this status report. The Court's order requires Defendants, by August 23, 2019 at Noon, to provide the unredacted separation files for the first 2 DEPs discharged each month for non-MSSD reasons between July 1, 2018 and June 30, 2019. The Court ordered that if there is any month in which there was only 1 DEP discharged for non-MSSD reasons, then that DEP's files shall be provided. If there are any months in which there were no DEPs discharged for non-MSSD reasons, a file shall be randomly selected from another month to ensure that defendants shall provide plaintiffs with no fewer than 15 files of DEPs discharged for non-MSSD reasons between July 1, 2018 and June 30, 2019. The Court ordered that these separation-related files include, to the extent it exists, any evidence of notice provided to the MAVNI soldier in advance of the USAREC discharge order's issuance, whether verbal or written. Order (ECF No. 123) at 2.

The Court further ordered that Defendants file a status report with the Court regarding the number of former DTP and DEP MAVNIs who received an uncharacterized discharge after

being sent to basic training and/or entering active duty. The Court ordered that Defendants' report shall detail whether this group received notice in advance of discharge in accordance with the procedures described in AR 635-200, and if not, what defendants' intentions are regarding this group.

1. On August 23, 2019, Defendants provided the unredacted separation files to Plaintiffs as ordered by the Court.

2. Four (4) DEP MAVNIs received an uncharacterized discharge after being sent to basic training and/or entering active duty. The DEP MAVNIs in this group received notice in advance of discharge in accordance with the procedures described in AR 635-200. The Army is still determining the number of DTP MAVNIs who received an uncharacterized discharge after being sent to basic training and/or entering active duty. Defendants anticipate being able to supplement this part of the status report by close of business today.

Dated: August 23, 2019

Respectfully submitted,

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